

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMEER PAUL GADOLA,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 1:19-cv-737

HON. JANET T. NEFF

ORDER TO FILE ANSWER OR OTHER PLEADING

The movant in this 28 U.S.C. § 2255 proceeding is the defendant in Case No. 1:17-cr-80 (*United States of America v. Sameer Paul Gadola*). It appears from both the language of § 2255 as well as from the Advisory Committee Note of Rule 1 of the Rules Governing § 2255 Proceedings in the United States District Courts that movant's § 2255 motion should have been incorporated into the criminal proceedings. Therefore,

IT IS HEREBY ORDERED that this file be **CLOSED** and that movant's motion (ECF No. 1) be transferred to the *United States of America v. Sameer Paul Gadola* file, Case No. 1:17-cr-80.

IT IS FURTHER ORDERED that the United States Attorney for the Western District of Michigan shall file an Answer, Motion to dismiss, as applicable, or other pleading with respect to the motion to vacate, set aside, or correct sentence filed by the movant herein within sixty (60) days of the entry of this Order. The Answer shall comply with the requirements of Rule 5 of Rules Governing § 2255 Proceedings for the United States District Courts. The United States Attorney for the Western District of Michigan shall properly serve the responsive pleading and file a proof of service in compliance with W.D. Mich. LCivR 5.7(i)(iii).

Thereafter, movant shall have fourteen (14) days after service of the answer to file a reply.

IT IS SO ORDERED.

Dated: September 11, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge